

MINUTES
(Audio Recording Is Available)
BOARD OF ZONING APPEALS
APRIL 18, 2013
LAKEWOOD CITY HALL

PRE-REVIEW MEETING
6:00 P.M.
LAW CONFERENCE ROOM

1. Roll Call

Members Present

Cynthia Bender
Kyle Krewson, Vice Chairman
Jennifer Matousek
James Nagy, Chairman

Others Present

Mary Leigh, Secretary, DCD Programs Manager, P&D
Jeff Fillar, Assistant Building Commissioner

A motion was made by Ms. Matousek, seconded by Ms. Bender, to **EXCUSE** the absence of Samuel O'Leary. All of the members voting yea, the motion passed.

3. Opening Remarks

Ms. Leigh read the opening remarks. Those who wanted to make statements were advised to state their names, addresses, and sign the oath located on the podium.

OLD BUSINESS

4. Docket 03-04-13

17820 Lakewood Heights Boulevard

Marije Toth, applicant and property owner, requests approval for a variance and forgiveness regarding the installation of a section of the back yard fence that is over six feet (6') high, pursuant to Section 1153.02(c) – Regulations. The property is located in an R1H, Single Family and High Density district. This item was deferred from the meeting of March 21, 2013. (Page 2a)

Marije Toth, applicant and property owner was present to explain the request. Mr. Fillar recalled from last month's meeting that the neighbor said the foot was 11 feet high. Mark Jewitt, Building Inspector and Jeff Fillar visited the property for measurements. Utilizing a photo on the screen, a tape measured the posts and fence between six feet, two inches and six feet, four inches (6', 2" to 6', 4"). Evidence of debris and tree stump remained in the fence line; the fence was about six feet, four inches to six feet, five inches (6', 4" to 6', 5") in that area. Soil had been added on both sides, and a rock garden was added to one side. The Division of Housing and Building ("H&B") did not have any issues with a six inch (6") variance (to allow for settling of the soil). Ms. Toth said her neighbor Lorita Green, 17816 Lakewood Heights Boulevard, no longer had a problem with the fence and was to write a letter. The letter had yet to be received by the Board of Zoning Appeals ("BZA") or Mr. Fillar. Ms. Green was not present to make comment.

Mr. Krewson wanted to know what percentage was the fence over the allowable. On one side back to where it met the west side and over to the other side was two to four inches (2" to 4") over the allowable six foot (6') height. The remaining was at the allowable height.

A motion was made by Mr. Krewson, seconded by Ms. Bender, to **GRANT** the six inch (6") variance. All of the members voting yea, the motion passed.

NEW BUSINESS

5. Docket 04-05-13

18251 Detroit Avenue

Milton Yee, applicant and property owner, requests approval for a variance to the twelve inch (12") minimum distance for a living fence to the public right of way, pursuant to Section 1153.02(b) – Regulations. The property is located in a C2, Commercial and Retail district. (Page 3)

Milton Yee, applicant and property owner said the bushes had been there over 50 years. The plantings are in a bed that is approximately 30" from the building foundation to the edge of the public sidewalk and were planted in the center of the space (15 inches from foundation and public sidewalk). He could trim six inches (6") deep into the bushes. Any more would kill them resulting in the removal of 40 feet length of stumps and roots. As one travels along Detroit Avenue, there were a number of properties with bushes very close to the public sidewalk.

Per Mr. Fillar the code stated that living fences were not to be over 36 inches high in the setback; if they were maintained at less than 36 inches and not growing into the public right-of-way, they would not be before the Board. Mr. Yee said the photo exhibited a height of about one foot, done in the fall of 2012. He said the inspector was more concerned about the depth of them.

There were no comments or questions from the public. Mr. Krewson said it seemed the property had been maintained well until about a year ago. Mr. Yee said he took ownership from the transfer and the bushes were not lower than three feet (3') at that time.

Ms. Matousek asked if Maile Avenue (bushes side) had a lot of traffic; residential mostly. Mr. Fillar said the bushes had been there a long time, and if they could be kept below 36 inches and did not hang over the sidewalk, it was permissible.

A motion was made by Mr. Nagy, seconded by Ms. Matousek to **GRANT** a six inch (6") variance. All of the members voting yea, the motion passed.

6. Docket 04-06-13

11903 Franklin Boulevard

Tessa Kolibar, applicant and property owner, requests approval for a variance to the eight foot by eight foot (8' x 8') angle at a drive way for visibility, pursuant to Section 1153 – Fences. The property is located in an R2, Single and Two Family district. (Page 7)

Tessa Kolibar, applicant was present to explain the request. If she complied with the zoning laws, she would lose part of her patio as it was four feet (4') from the sidewalk. The former fence was removed because it was falling and becoming a hazard. Prior to its removal she had not received any complaints from her neighbors regarding visibility. Using the existing post, she wanted to fence the side yard. She

asked to see a copy of the permit from the former fence, but there was not one on file in the H&B. The proposed six foot (6') fence would follow the sidewalk at a setback of two feet (2').

Mr. Fillar said the eight foot by eight foot (8' x 8') was not in the code but is a suggestion of the safety forces. He felt the request was appropriate and would cause not hindrance. Utilizing the PowerPoint, he explained the situation regarding the foundation, patio and side yard.

There were no comments or questions from the public.

A motion was made by Mr. Krewson, seconded by Ms. Bender, to **GRANT** the variance with the following stipulations:

1. The eastern most post in the south property line is in line with the east foundation line, and
2. The southern most post in the east property line is in line with the south foundation line.

All of the members voting yea, the motion passed.

7. Docket 04-07-13 1475 West Clifton Boulevard

Joseph P. Gibbons, applicant and property owner, requests approval for a three foot (3') variance to the required five-foot (5') side yard to install an air conditioner two feet (2') from the property line, pursuant to Section 1123.07 – Minimum Yard Requirements for Principal Buildings. The property is located in an R2, Single and Two Family district. (Page 10)

Joseph P. Gibbons, applicant and property owner was present to explain the request. He said he'd been there 30 years and had recently invested into the home. Part of the plan was for central air conditioning. He had talked with his neighbor for the best placement of the unit. The unit was quieter than most window units. Shrubbery would be planted to buffer the noise. There was no room in the back yard because of an existing deck, and the other side was the driveway. Ms. Leigh read into record two letters of support.

Mr. Fillar said that H&B had no objections. There were no comments or questions from the public.

A motion was made by Ms. Matousek, seconded by Ms. Bender, to **GRANT** the request. All of the members voting yea, the motion passed.

8. Docket 04-08-13 1379 Hall Avenue

Amy Rosby, applicant and property owner, requests approval to demolish a one car garage and not build a new replacement, pursuant to Section 1143.05 – Schedule of Uses and Space Requirements. The property is located in an R2, Single and Two Family district. (Page 13)

Amy Rosby, applicant and property owner was present to explain the request. The garage had not been used for nine years, and she wanted to replace it with a shed. The space of the driveway was too narrow for her current car; there was about a two and one half inch (2 ½") allowance on both sides. The space between her house and the side fence was seven and one half feet (7', 6"). A gate located half way was left open. She wanted to extend her fence to the front of the property.

Mr. Fillar said that H&B always wanted garages rebuilt to house the vehicles and keep them off the streets to allow safety forces to travel quickly and safely. Standard driveways were eight to nine feet (8 – 9') wide; this one was eight feet.

Ms. Rosby said that with the fence and downspout taken into consideration, it was reduced to 7', 6"). She said other neighbors had no garages. Asked if the fence was on the property line, she said she thought it was although she did not get it surveyed. Mr. Nagy said this was a common request. The rear of the house had a porch and cement stairs; thereby opening the opportunity for house and or vehicle damage. She said an alternative would be to remove the fence. It was a distance of ten feet (10') from the cement stairs to the front of the garage.

Ms. Bender was familiar with the area and was aware of houses without garage. However, the street was so narrow that it was difficult for two vehicles to pass each other; it was essential for the vehicles to be parked off the street.

A motion was made by Mr. Krewson, seconded by Mr. Nagy, to **DENY** the request. All of the members voting yea, the motion passed.

9. Docket 04-09-13 17904 Lake Road

Gene Suleski, Gene's Mechanical and applicant requests approval for a four foot (4') variance to north property line setback in order to install an air conditioner six feet (6') from the property line and a five foot, three inch (5', 3") variance to the required fifteen foot (15') side yard for a total side yard of twenty-five feet (25'), pursuant to Section 1121.07 – Minimum Yard Requirements for Principal Buildings. The property is located in an RIL, Single and Low Density district. (Page 20)

Solvita McMillan, property owner was present to explain the request. She was in the middle of a major remodeling project. Mr. Fillar said the south side needed a five foot, three inch (5', 3") variance to the 15 foot side yard, and the air condition unit side need a four foot (4') variance to the required 10 foot to install six feet (6') from the property line.

Dr. Bizga, 17900 Lake Road, the neighbor to the north had no objection as long as it was toward the back/middle of his garage. He did not have air conditioning, and if placed improperly would be in line with his kitchen window. He wondered why this was not discussed at an earlier time

Mr. Fillar said the design for the remodeling project appeared before the Architectural Board of Review ("ABR"). The proposed air conditioning was not on any of those drawings. Ms. McMillan said that at the time of ABR approval, it was not known that the heating unit needed replacing. Dr. Bizga stated there would be shrubbery to buffer the unit.

A motion was made by Ms. Bender, seconded by Ms. Matousek, to **GRANT** the variance as requested. All of the members voting yea, the motion passed.

10. Docket 04-10-13 13980 Edgewater Drive

Bruce W. Harris, applicant and property owner, requests approval for a six inch (6") variance to a side yard setback of the required three foot (3') in order to rebuild and increase the foot print of a

192 square foot shed, pursuant to Section 1121.10(a)(2) – Additional Accessory Structure Regulations. The existing shed was damaged by a large tree during super storm Sandy. The property is located in an R1H, Single and High Density district. (Page 24)

Bruce Harris, applicant and property owner was present to explain the request. He wanted to replace it in the same location that was now restricted by the setback allowance. It would be in line with the garages of adjacent properties and would not be visible from the homes. Utilizing the PowerPoint, he described the area and its relationship to surrounding structures and properties.

Mr. Fillar made a correction to the agenda. The property was located in an R1M, Single Family and Medium Density district; this changed the variance request. The request would then be for a two foot (2') from the required three foot (3') side yard.

Mr. Krewson asked if there had been any problems with the placement of the former shed. Mr. Harris said there were none.

A motion was made by Mr. Krewson, seconded by Ms. Bender, to **GRANT** the two foot (2') variance. All of the members voting yea, the motion passed.

Mr. Fillar asked Mr. Harris to bring the construction drawing to H&B; it would take about five days for the plan review.

11. Docket 04-11-13

1341 Marlowe Avenue

NorthWesterly Northwesterly Assisted Living

Michael N. Stamas, Thorson Baker & Assoc. Inc. and applicant requests approval for a seven (7) parking space variance to the required 38 spaces based on 15 employees and 91 units (1 per employee plus .25 per dwelling unit required) in order to install a patio garden and have an approved parking load of 31, pursuant to Section 1143.05 – Schedule of Uses and Space Requirements. The property is located in a C2, Commercial and Retail district. (Page 30)

Michael N. Stamas, Thorson Baker & Assoc. Inc. and applicant, was present to explain the request. The proposal was to remove parking spaces and add a patio for the residents. He said there was plenty of parking. Modifications were being made to the building, and residents would have access from the cafeteria to the patio.

Mr. Fillar spoke with Bob Apansewicz, Lakewood's Assistant Building Commissioner; they drove several times into the Northwesterly lot from Marlowe Avenue and encountered no problems. At the various times they were there, the lot was not full. He wanted to know how many drivers were living in the building so there would be no problems in the future. Mr. Stamas replied there were 91. Mr. Nagy wanted to know when the traffic was heavy; Mr. Stamas said it was the holidays, and there were no issues. Ms. Bender said she had visited many times and never encountered a problem with parking.

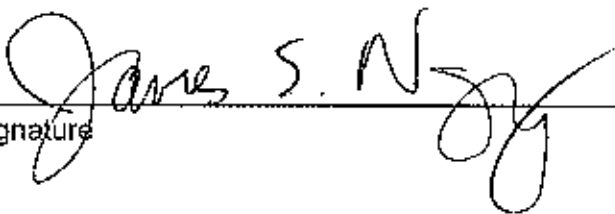
A motion was made by Mr. Nagy, seconded by Mr. Krewson, to **GRANT** with the stipulation it would be good only for the term of the current operation and use of the property. All of the members voting yea, the motion passed.

2. Approve Minutes of the March 21, 2013 meeting.

A motion was made by Ms. Matousek, seconded by Ms. Bender, to **APPROVE** the minutes of the March 21, 2013 meeting. All of the members voting yea, the motion passed.

12. **ADJOURN**

A motion was made by Ms. Matousek, seconded by Mr. Krewson, to **ADJOURN** the meeting at 7:45 p.m. All of the members voting yea, the motion passed.


Signature

5-16-13
Date



Oath

I, the undersigned, hereby agree that the testimony I give at this proceeding will be the truth, the whole truth and nothing but the truth:

PRINT NAME:

SIGN NAME:

1. JAMES J. FILLAR
2. Marje Tolh
3. Milt Yee
4. Tessa Kalibar
5. Joseph P. Gibbons
6. Amy Rosby
7. Solvay McMillan
8. D.C. Kosa
9. Bruce Harris
10. Mike Stamas
11. _____

1. [Signature]
2. [Signature]
3. [Signature]
4. [Signature]
5. [Signature]
6. [Signature]
7. [Signature]
8. [Signature]
9. Bruce Harris
10. [Signature]
11. _____

Prepared by: The City of Lakewood Law Department, 12650 Detroit Ave., Lakewood, Ohio 44107

FOR CITY USE ONLY

Lakewood Administrative Procedure: ☐ ABR/BRS/Sign ☐ Citizens Advisory ☐ Civil Service ☐ Dangerous Dog
☐ Income Tax Appeals ☐ Loan Approval ☐ Nuisance Abatement Appeals ☐ Planning ☒ Zoning Appeals ☐ Other:

Date of Proceeding: Thursday, April 18, 2013

MICHAEL & NANCY BOUDON

April 1, 2013

City of Lakewood
Board of Zoning Appeals

Re: Variance Application @ 1475 W. Clifton Blvd.

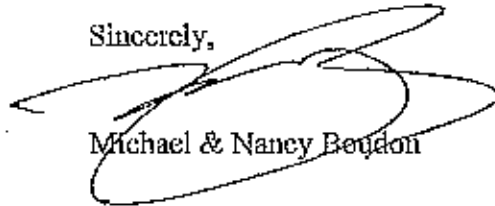
Dear Board Members,

We are the owners of the house located at 1465 W. Clifton Blvd, just north of the above referenced property at 1475 W. Clifton Blvd. owned by Joe and Peggy Gibbons.

We have discussed this matter with the Gibbons' and reviewed their Application as filed with your Board and have no objection to any variance requested for installation of an outdoor air-conditioning unit between our houses. The Gibbons' made many improvements to their property over the years and maintain the property in very good condition.

We support the Gibbons' request in this matter. Please call with any questions (Mike's cell: 216.701.4244).

Sincerely,

A large, stylized handwritten signature in black ink, appearing to be a cursive representation of the names Michael and Nancy Boudon.

Michael & Nancy Boudon

Brad Humphreys
1472 West Clifton Blvd
Lakewood OH 44107

April 15, 2013

City of Lakewood
Board of Zoning Appeals
City of Lakewood

Re: Variance Application: 1475 West Clifton Blvd, Air Conditioner

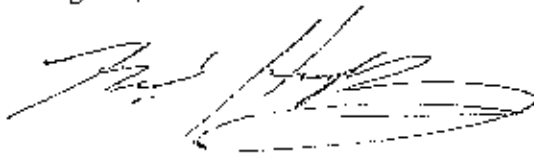
Dear Board Members:

I am writing in support of Joe and Peggy Gibbons requested variance for placement of an air conditioner. We live at the property directly across the street: 1472 West Clifton Blvd.

We have reviewed the Gibbons' proposal and have no issue with it or any objections. For the 13 years that we have lived across from the Gibbons their home has been constantly meticulously maintained. We therefore have no reservations or concern about this request.

If you have any questions, do not hesitate to contact us at: 216-456-5457.

Regards,

A handwritten signature in black ink, appearing to read 'Brad and Kristen Humphreys', written over a dashed horizontal line.

Brad and Kristen Humphreys



Board of Zoning Appeals

April 2013





17820 Lakewood Heights Boulevard

BZA April 2013



BZA April 2013

17820 Lakewood Heights Boulevard



17820 Lakewood Heights Boulevard

BZA April 2013



17820 Lakewood Heights Boulevard

BZA April 2013



17820 Lakewood Heights Boulevard

BZA April 2013



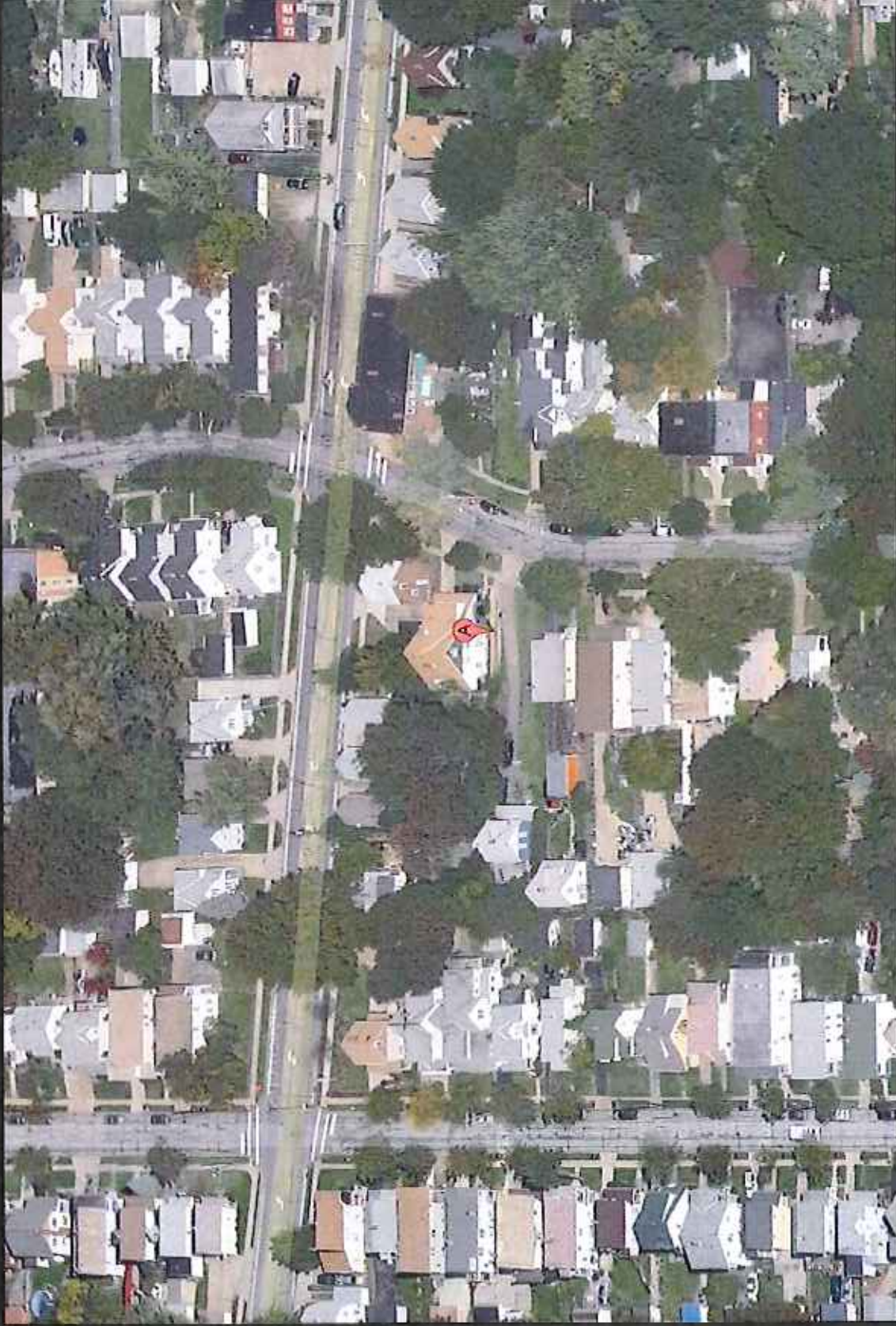
18251 Detroit Avenue

BZA April 2013



18251 Detroit Avenue

BZA April 2013



BZA April 2013

11903 Franklin Boulevard



BZA April 2013

11903 Franklin Boulevard



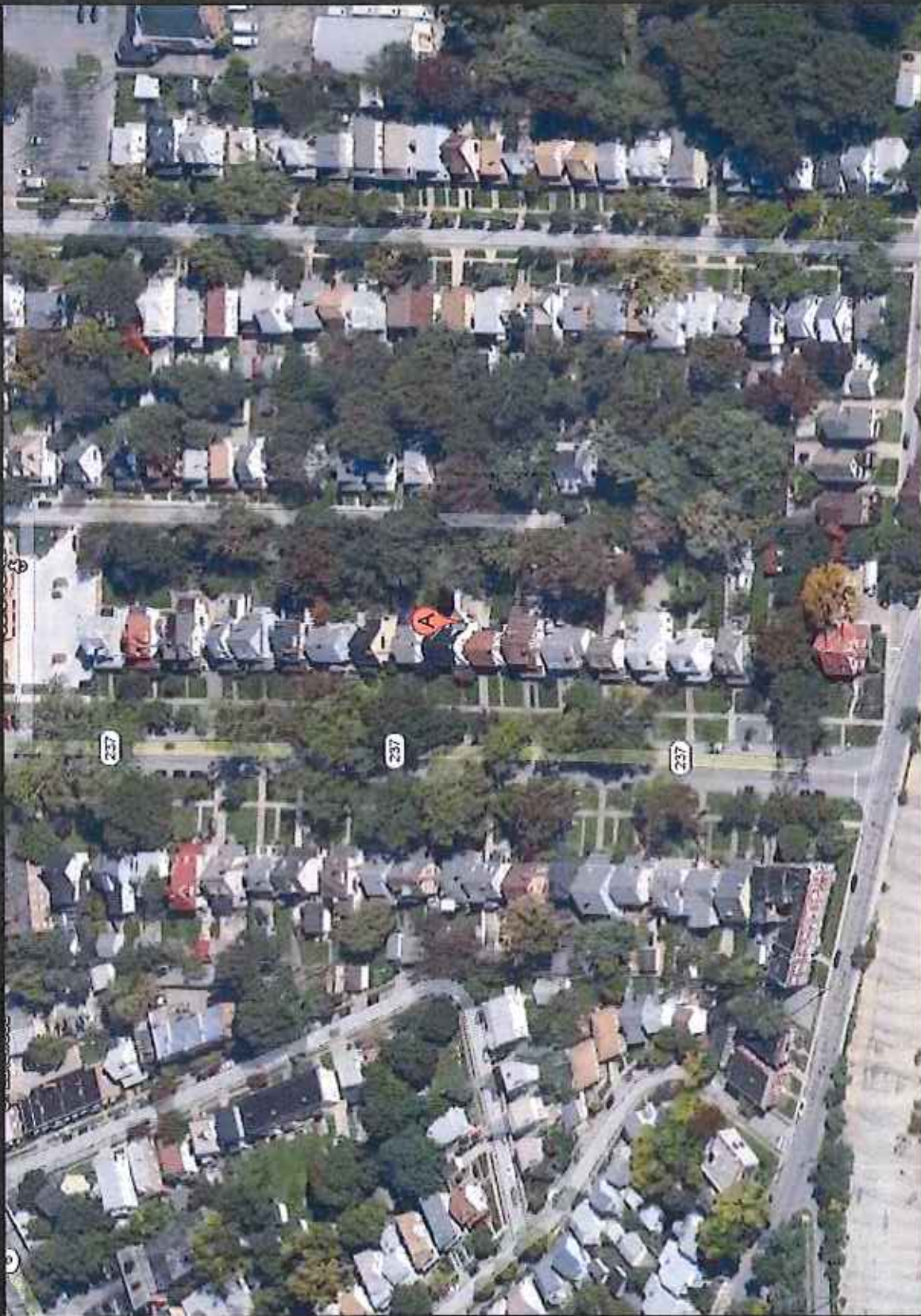
BZA April 2013

11903 Franklin Boulevard



11903 Franklin Boulevard

BZA April 2013



1475 West Clifton Blvd

BZA April 2013



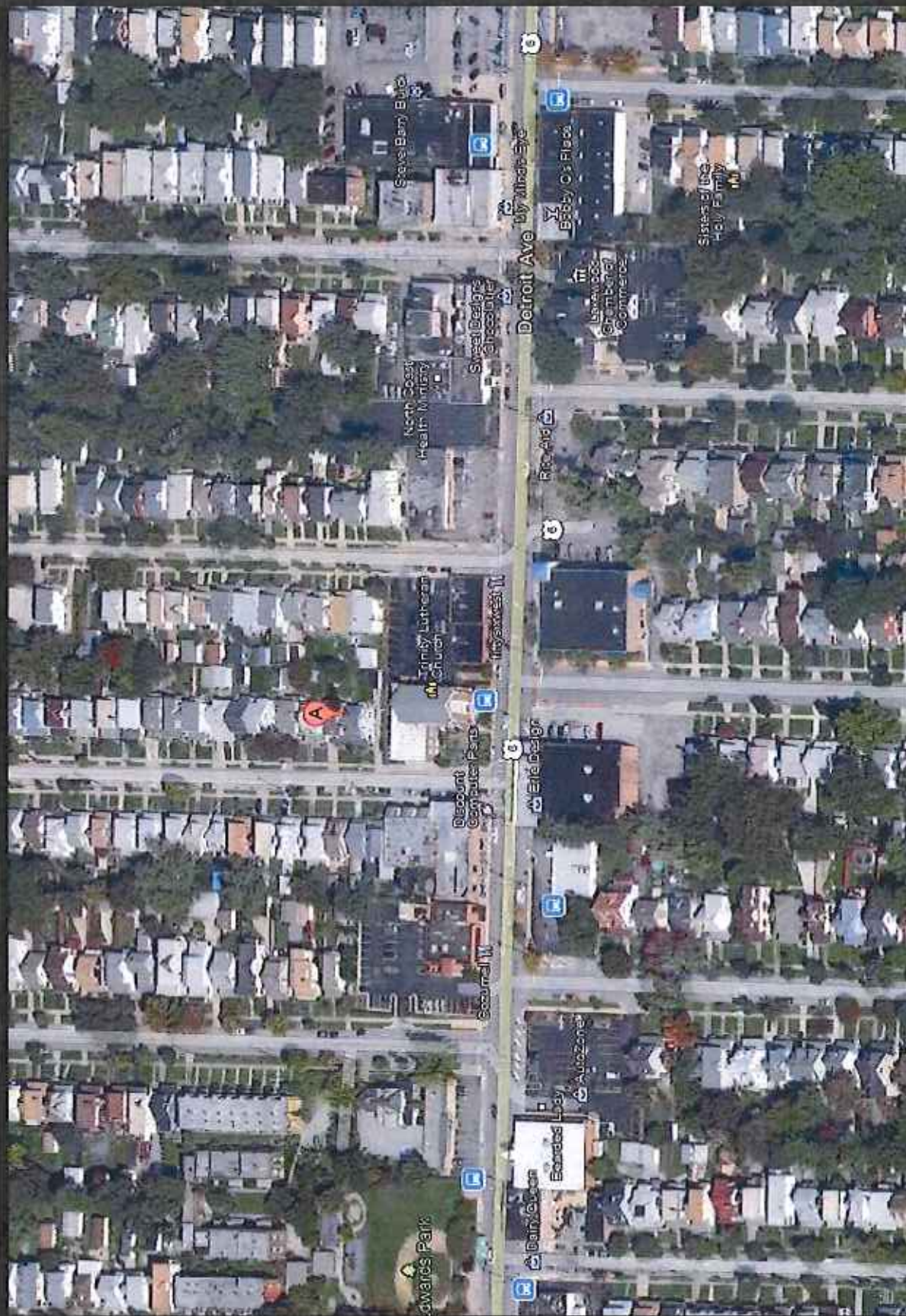
BZA April 2013

1475 West Clifton Blvd



1475 West Clifton Blvd

BZA April 2013



1379 Hall Avenue

BZA April 2013



1379 Hall Avenue

BZA April 2013



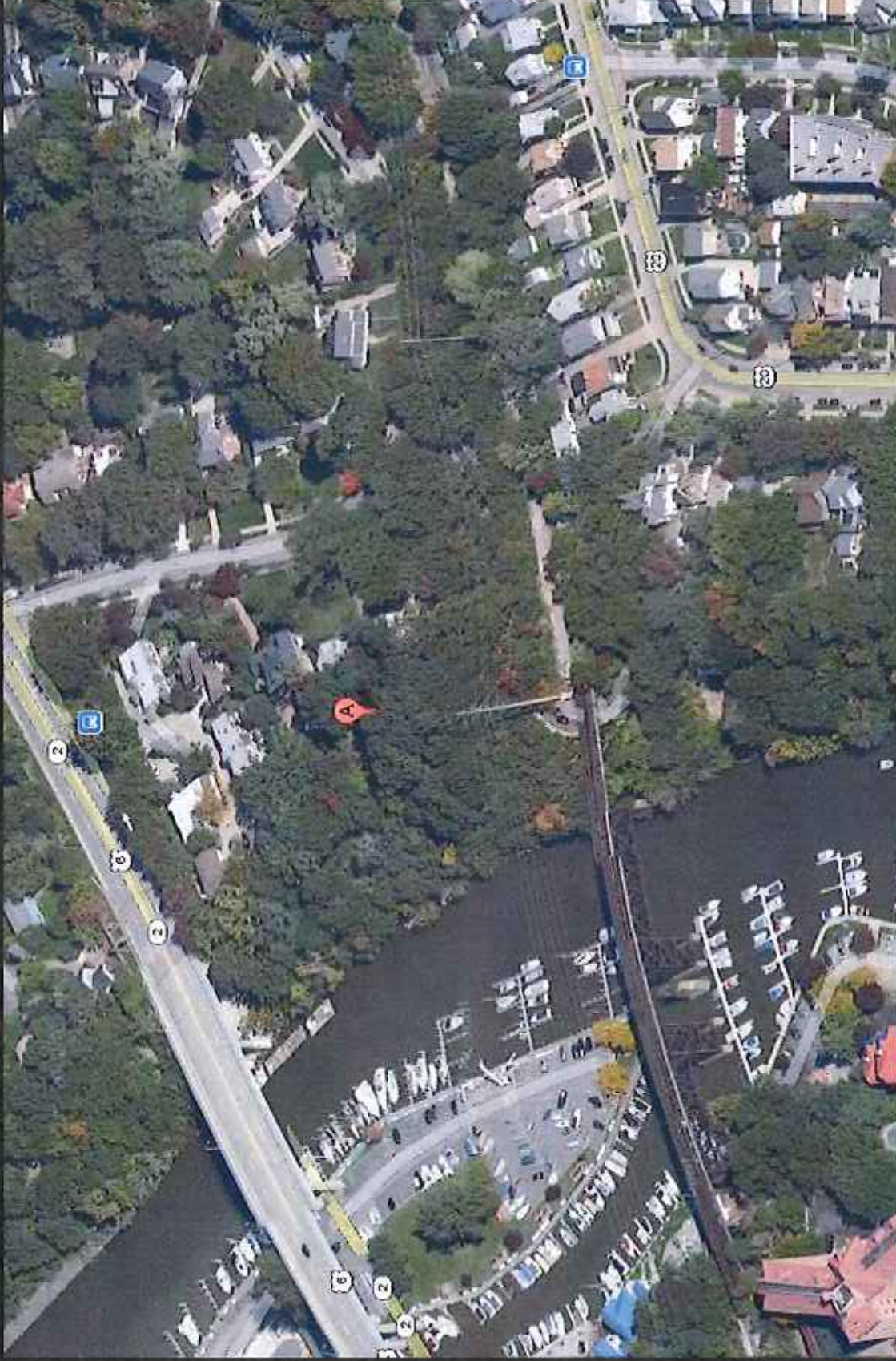
1379 Hall Avenue

EZA April 2013

BZA April 2013

1379 Hall Avenue





17904 Lake Road

PZA April 2013



17904 Lake Road

BZA April 2013



17904 Lake Road

EZA April 2013



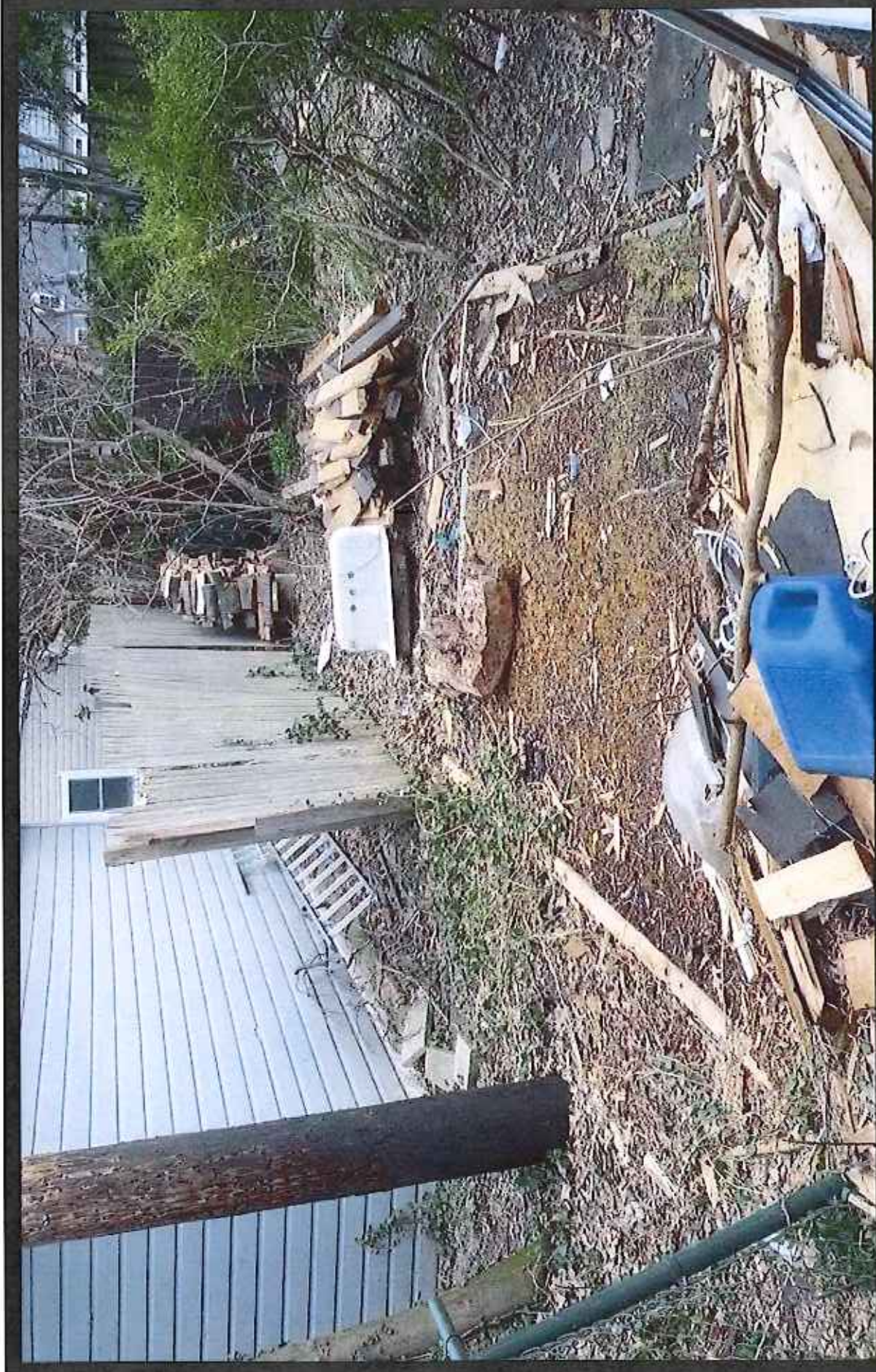
13980 Edgewater Drive

БЗА, Апрель 2013



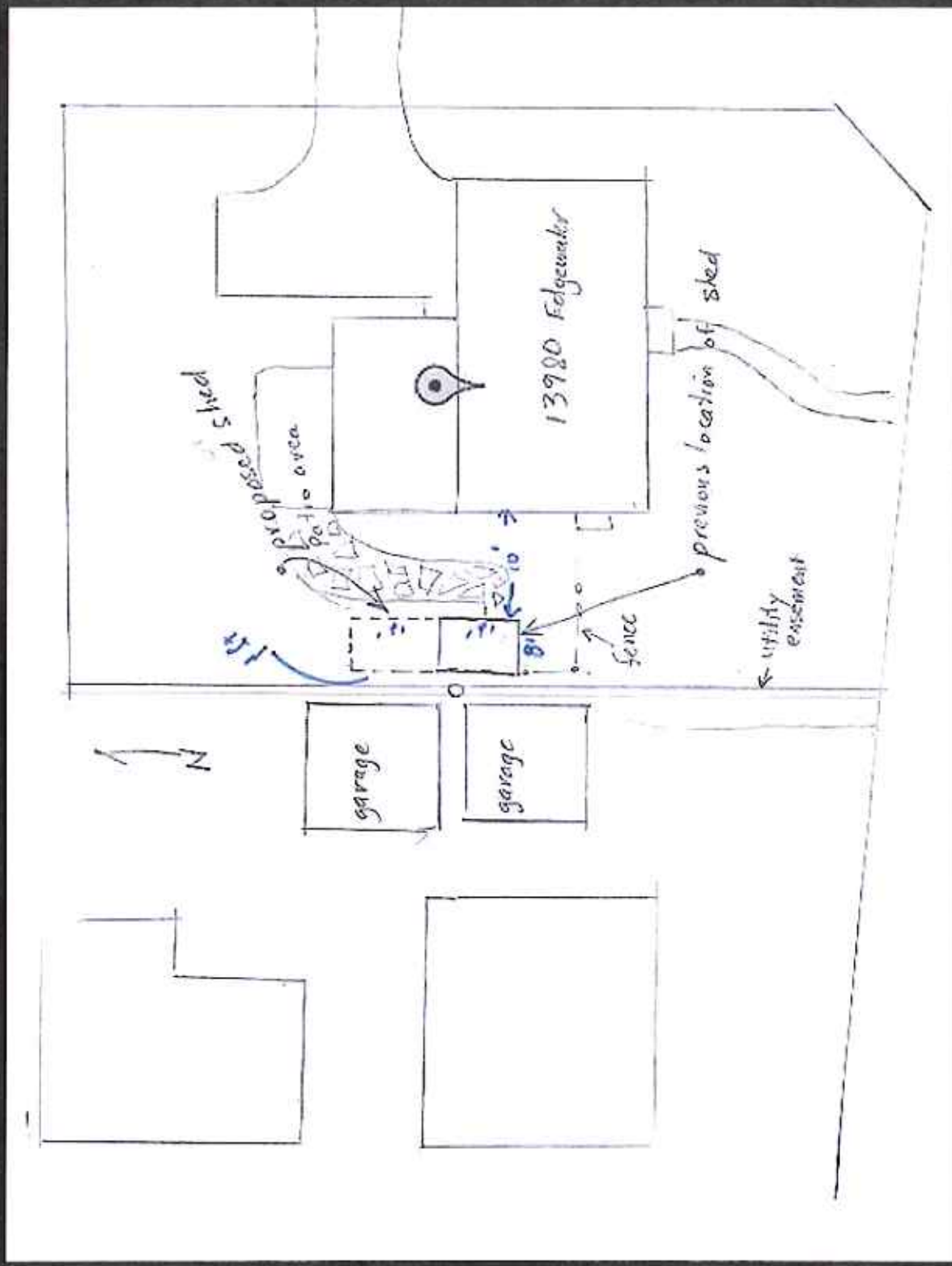
EZA April 2013

13980 Edgewater Drive

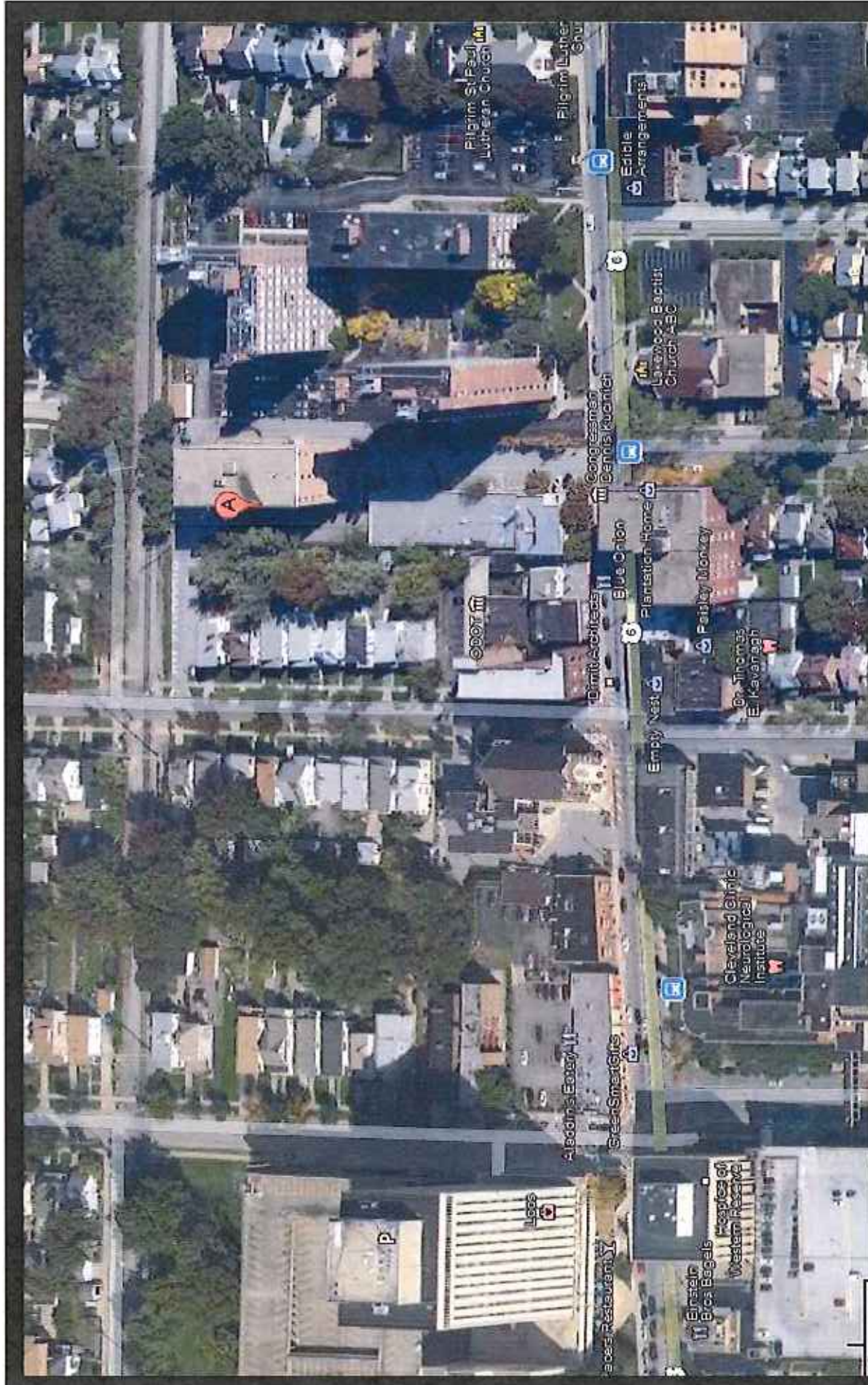


13980 Edgewater Drive

EZA April 2013

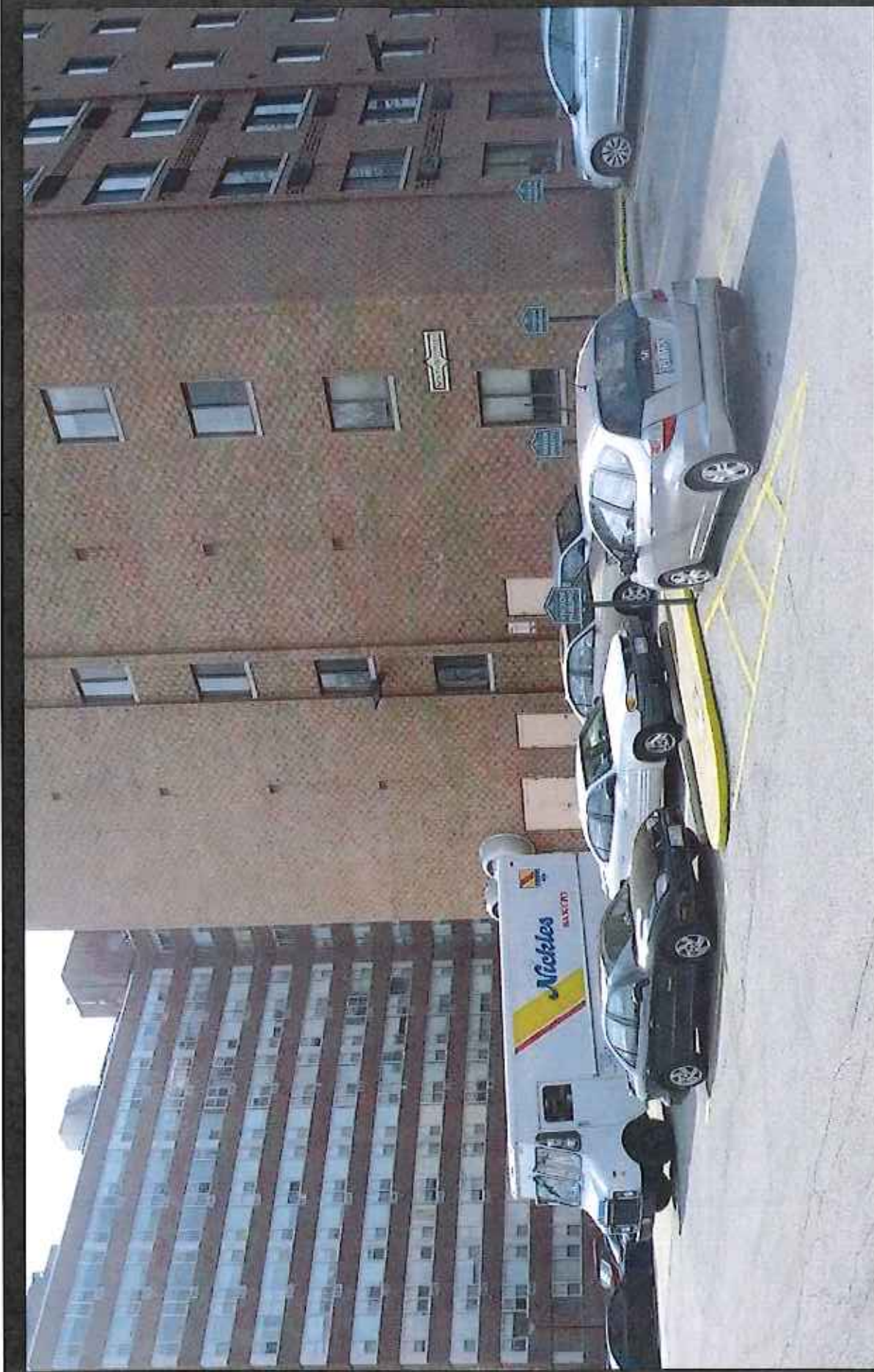


13980 Edgewater Drive



1341 Marlowe Avenue

EZA April 2013



BZA April 2013

1341 Marlowe Avenue



1341 Marlowe Avenue

BZA April 2013

A white architectural sketch of several buildings with rectangular windows and doors, rendered in a simple line-art style. The sketch is positioned on the left side of the cover, partially overlapping the dark background.

Board of Zoning Appeals

April 2013

